

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CARMEN Y. MAXWELL,

Plaintiff,

v.

CAROLINE W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

Case No. 13-5226-BHS-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF#28). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings.

This court recommends on remand the following:

- The ALJ will conduct a new hearing, further develop the record and issue a new decision;
- The ALJ will reevaluate and further develop the medical evidence or record;
- The ALJ will reevaluate steps two and three of the sequential evaluation process;
- The ALJ will reevaluate Plaintiff's RFC pursuant to SSR 96-8p, and;
- The ALJ will reevaluate steps four and five of the sequential evaluation process with the assistance of a vocational expert, as necessary. If the ALJ makes a decision at step five, the

1 ALJ will specifically identify the number of jobs available in the national economy for each  
2 job identified.

3 Upon proper presentation, this Court will consider Plaintiff's application for costs and  
4 attorney's fees under 28 U.S.C. § 2412(d).

5 Given the fact of the parties' stipulation, the Court recommends that the District Judge  
6 immediately approve this Report and Recommendation and order the case **REVERSED** and  
7 **REMANDED**. A proposed order accompanies this Report and Recommendation.  
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9 DATED this 16<sup>th</sup> day of October, 2013.

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12 Karen L. Strombom  
13 United States Magistrate Judge  
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